

April 5, 2017

Jeffery Morris  
Director  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Dear Director Morris:

Environmental Defense Fund (EDF) writes to strongly oppose a request by the Halogenated Solvents Industry Alliance (HSIA)<sup>1</sup> for an extension of the public comment period for two proposed TSCA section 6(a) rules that address the use of trichloroethylene (TCE) in vapor degreasing (Docket #: EPA-HQ-OPPT-2016-0387-0001) and the use of methylene chloride (DCM) and N-methylpyrrolidone (NMP) in paint stripping (Docket #: EPA-HQ-OPPT-2016-0231-0001). We urge the agency to maintain the current comment period deadlines of Wednesday, April 19<sup>th</sup>, 2017.

Ample time – 90 days – has been allotted for public comment on these proposed rules, the first one of which already received a 30-day extension in response to an earlier request by HSIA.<sup>2</sup> In addition, multiple opportunities for public comment were afforded during the development of the peer-reviewed risk assessments underlying the proposed rules<sup>3</sup> and other related activities.<sup>4</sup>

It also bears mentioning that HSIA requested an extension on another proposed section 6(a) rule focused on the use of TCE as an aerosol degreaser and spot cleaning agent; EPA granted a 30-day extension, yet even so HSIA did not choose to submit any comments.

EDF is especially frustrated and concerned with a particular aspect of HSIA's rationale for the new request for a further extension of the TCE proposed rule comment period: HSIA has indicated that it

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<sup>1</sup> HSIA request dated March 17, 2017. See: <http://bit.ly/2nByjNY>

<sup>2</sup> The comment period for the proposed TCE vapor degreasing rule, published in the Federal Register on January 19, 2017, was originally set to close March 20, 2017 but was extended by 30 days after HSIA requested an extension, resulting in the current deadline of April 19, 2017. See: <http://bit.ly/2nGjOsS> (HSIA request for extension) and <http://bit.ly/2oWuXWL> (EPA granting of extension). The total comment period afforded for the proposed rule is now 90 days. A 90-day comment period has already been provided by EPA for the DCM-NMP proposed rule.

<sup>3</sup> The draft risk assessment for TCE was provided for public comment in March 2013 and the final risk assessment was published in June 2014. The draft risk assessments for DCM and NMP were provided for public comment in January 2013, and were finalized in August 2014 and March 2015, respectively. See <http://bit.ly/1NUqslf>.

<sup>44</sup> For example, EPA convened an expert workshop on TCE (<http://bit.ly/2p1K6pV>) and a Small Business Advocacy Review panel for DCM and NMP (<http://bit.ly/1XXEhJi>).

needs more time because it is in the midst of conducting a new, contracted study to “try to replicate” the results of a Johnson et al. 2003 study used as part of the agency’s 2014 TCE risk assessment. HSIA is specifically asking EPA to extend the public comment period to allow it to complete this study which, as HSIA explains, has had to be reinitiated because of improper dosing by the contracting laboratory.

HSIA’s request for an extension on this basis is both unnecessary and unreasonable. EPA’s risk assessment identified unreasonable risk for multiple endpoints resulting from acute and chronic exposures to TCE that extend well beyond the fetal cardiac malformations identified in the Johnson et al. study. Hence, even setting aside the Johnson study specifically or developmental toxicity as an endpoint generally, the data still overwhelmingly support EPA’s determination of unreasonable risk for the use of TCE in vapor degreasing. In addition, the Johnson study was but one of many studies that identified concerns for fetal cardiac malformations resulting from gestational exposure to TCE, as has been repeatedly explained and documented by EPA. Finally, the Johnson study was published more than 13 years ago, providing HSIA or any other party interested in reproducing or rebutting its results years and years to conduct such a study.

Extensions of public comment periods should be based on demonstrated need for more time to review and evaluate the EPA document in question, not to accommodate such a truly unreasonable demand as HSIA’s for more time to develop new information. Protection of public health demands prompt action by EPA and cannot and should not accommodate HSIA’s procrastination, particularly given that the results of its study will ultimately not alter EPA’s findings of unreasonable risk for multiple endpoints.

Environmental Defense Fund respectfully requests that EPA deny this request for an extension.

Sincerely,

Jennifer McPartland, PhD  
Senior Scientist  
Environmental Defense Fund

Richard Denison, PhD  
Lead Senior Scientist  
Environmental Defense Fund

Cc:

Wendy Cleland-Hamnett, Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention

Cindy Wheeler, OPPT

Niva Kramek, OPPT